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**AUG 28 2007**

**OFFICE OF PETITIONS**

WADDEY & PATTERSON, P.C.  
1600 DIVISION STREET, SUITE 500  
NASHVILLE, TN 37203

In re Application of  
James R. Moore  
Application No. 10/708,625  
Filed: March 16, 2004  
Attorney Docket No. N1105

ON PETITION

This is a decision in response to the petition, filed April 9, 2007, to revive the above-identified application under the provisions of 37 CFR 1.137(b).

The petition is **GRANTED**.

The application became abandoned for a failure to reply in a timely manner to a non-final Office action mailed September 11, 2006. A Notice of Abandonment was mailed on March 29, 2007. In response, on April 9, 2007, the present petition was filed.

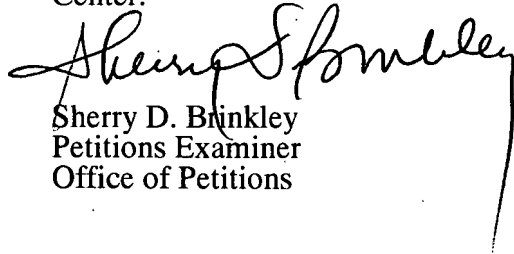
The petition satisfies the conditions for revival pursuant to the provisions of 37 CFR 1.137(b) in that petitioner has supplied (1) the reply in the form of an amendment; (2) the petition fee of \$750; and (3) an adequate statement of unintentional delay.

Extensions of time under 37 CFR 1.136 are available only if asked for prior to or with the response. In no case, however, may an applicant respond later than the maximum time period set by statute. Accordingly, if the question of abandonment arises when the provisions of 37 CFR 1.136 can no longer be used, then the application is abandoned when the unextended time for response has expired. Since, no extension of time fees are due on a petition for revival, petitioner is entitled to a refund of the \$510 extension fees included with this petition.

Any request for refund must include a copy of this decision and be mailed to Mail Stop 16, Director of the U.S. Patent and Trademark Office, P. O. Box 1450, Alexandria, VA 22313-1450 or faxed to the Customer Service Help Desk at (571) 273-6500.

The application is being referred to Technology Center AU 1761 for consideration of the amendment filed April 9, 2007.

Telephone inquiries concerning this decision should be directed to the undersigned at (571) 272-3204. Inquiries relating to further prosecution should be directed to the Technology Center.

A handwritten signature in black ink, appearing to read "Sherry D. Brinkley". The signature is stylized with a large, looped "S" and a long, vertical stroke extending downwards from the end of the name.

Sherry D. Brinkley  
Petitions Examiner  
Office of Petitions